

REMARKS

This amendment is submitted in response to the Official Letter, dated April 7, 2005.

Claims 1, 9, 11 and 12 have been amended. No new matter has been introduced. Support for the amended claims and the new claims is found throughout the specification, claims, and drawings as originally filed. Twenty (20) claims are pending and remain for consideration. Favorable reconsideration of the pending claims and further examination of the application is respectfully requested.

IN THE CLAIMS

35 U.S.C. § 102

Claims 1, 9 and 11 are rejected under 35 U.S.C. § 102, as anticipated by U.S. Patent No. 5,743,545, issued to Kunze et al. This rejection is respectfully traversed.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

*Verdegaal Bros. v Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the applicant's claim. *In re Bond*, 15 USPQ2d 1566 (Fed. Cir. 1990)

Claim 1 is directed to a wheel mounting assembly for mounting a wheel of a wheelchair to a frame part that includes an upper side frame member and a lower side frame member. The wheel mounting assembly comprises a connecting member and a wheel-mounting member. The connecting member extends generally upwardly and downwardly between the frame members and is adapted to be secured to the frame members. The wheel-mounting member extends *adjacent* the connecting member and is secured to the connecting member *and secured directly to the side frame members*. The wheel-mounting member has at least one formation for supporting an axle of the wheel.

Kunze discloses a connecting member and a wheel-mounting member that are the same. The two are not *adjacent* one another, as recited in claim 1. Moreover, the wheel-mounting member is not *secured directly to the side frame members*, as recited in claim 1.

In the Official Letter, the Examiner identifies a member (12) of the Kunze patent as a connecting member and a member (12b) of the Kunze patent as a wheel-mounting member. In doing so, the Examiner concurs that the wheel-mounting member (12b) of Kunze is part of the connecting member (12). If this holds true, the wheel-mounting member fails to be secured directly to the side frame members, as recited in the claims, but instead is part of the connecting member.

Since the Kunze patent fails to disclose a wheel-mounting member adjacent to and secured directly to a connecting member, claim 1 should be allowable as written. Favorable reconsideration of claim 1 is respectfully requested.

Claim 9 depends from claim 1 and should be allowable for at least the same reasons as claim 1. In addition, claim 9 recites a connecting member that has a *tubular upright part* that is adapted to receive a back post member of a wheelchair seat. The Examiner states that the connecting member in the Kunze patent need only have the ability to receive a back post member of a wheelchair seat. Although the Kunze discloses recesses (12a) for fitting a backrest (3), the connecting member (12) in the Kunze patent is not disclosed as having any portion with the ability to receive a back post member. For this additional reason, claim 9 should be allowable as written.

Claim 11 is directed toward a wheelchair comprising generally comprising a side frame having a frame part and a wheel mounting assembly for mounting a wheel to the frame part. The frame part has an upper side frame member and a lower side frame member. The wheel mounting assembly generally comprises a connecting member and a wheel-mounting member. The connecting member extends generally upwardly and downwardly between the frame members and is adapted to be secured to the frame members. The wheel-mounting member extends adjacent the connecting member and is secured to the connecting member and *secured directly* to the side

frame members. The wheel-mounting member has at least one formation for supporting an axle of the wheel.

Claim 11 should be allowable for at least the same reasons are claim 1, as set forth above. Favorable reconsideration of claim 11 is respectfully requested.

Allowable Subject Matter

Applicants acknowledge that claims 4, 6-7 and 12 have been indicated as allowable if rewritten in independent form. The claims will be so amended following the final disposition of the application if the claims from which they depend stand finally rejected.

Applicants also acknowledge that claims 16-28 have been allowed.

CONCLUSION

In view of the amendments and above remarks, it is believed that the application is in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested.